

California Judicial System

The state Constitution vests the judicial power of California in the Supreme Court, Courts of Appeal, and trial courts (Cal. Const., art. VI, §§ 1, 4, 5, 11, 15). The Supreme Court and Courts of Appeal are appellate courts that primarily review trial court decisions.

The Constitution also provides for agencies concerned with judicial administration: the Judicial Council, which improves and expedites the administration of justice (Cal. Const., art. VI, § 6); the Commission on Judicial Appointments, which votes on the confirmation of gubernatorial appointees to appellate court vacancies (Cal. Const., art. VI, §§ 7, 16); and the Commission on Judicial Performance, which deals with the admonishment, censure, removal, or retirement of judges for misconduct or disability (Cal. Const., art. VI, §§ 8, 18).

The California judicial system consists of the Supreme Court, six districts of the Court of Appeal, and 95 trial courts with 1,580 judgeships. The names of judges are listed in the California Official Reports. Approximately 8.8 million cases were filed in state courts during fiscal year 1998–1999.

Judicial system costs in 1999–2000, not including capital outlay for facilities, totaled \$2.1 billion. The Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233), consolidated funding of the courts at the state level, ending bifurcated funding by the state and the counties.

SUPREME COURT

The Supreme Court of California is the state's highest court. Its decisions are binding on all other California state courts.

The court conducts regular sessions in San Francisco, Los Angeles, and Sacramento; it may also hold special sessions elsewhere.

Membership, Qualifications:

One Chief Justice and six associate justices are appointed by the Governor and confirmed by the Commission on Judicial Appointments. The appointments are confirmed by the public at the next general election; justices also come before voters at the end of their 12-year terms.

To be considered for appointment, a person must for at least 10 years immediately preceding appointment have been an attorney admitted to practice in California or must have served as a judge of a court of record in this state.¹ (Cal. Const., art. VI, § 15.)

Original Jurisdiction, Authority

The Supreme Court has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. The court also has original jurisdiction in habeas corpus proceedings. (Cal. Const., art. VI, § 10.)

¹ Judges of California trial and appellate courts may not practice law and are ineligible for any other public employment or public office. A trial court judge may, however, become eligible for election to another public office by taking a leave of absence without pay before filing a declaration of candidacy for that office. Acceptance of the new office constitutes resignation as a judge. (Cal. Const., art. VI, § 17.)

The state Constitution gives the Supreme Court the authority to review decisions of the state Courts of Appeal. (Cal. Const., art. VI, § 12.) This reviewing power enables the Supreme Court to decide important legal questions and to maintain uniformity in the law. The court selects specific issues for review, or it may decide all the issues in a case. (Cal. Const., art. VI, § 12.) The Constitution also directs the high court to review all cases in which a judgment of death has been pronounced by a trial court. (Cal. Const., art. VI, § 11.) Under state law, these cases are automatically appealed directly from a trial court to the Supreme Court. (Pen. Code, § 1239(b).)

In addition, the Supreme Court reviews the recommendations of the Commission on Judicial Performance and the State Bar of California concerning the discipline of judges and attorneys for misconduct. The only other matters coming directly to the Supreme Court are appeals from decisions of the Public Utilities Commission.

Approximately 8,615 petitions were disposed of in the Supreme Court during fiscal year 1998–1999; 5,480 were petitions for review in cases previously decided by the Courts of Appeal.

Decisions of the Supreme Court are published in the California Official Reports.

COURTS OF APPEAL

Established by a constitutional amendment in 1904, the Courts of Appeal are California's intermediate courts of review. California has six appellate districts, each with at least one division.

The six appellate districts are composed of 18 divisions and 93 justices. District headquarters are: First District, San Francisco; Second District, Los Angeles; Third District, Sacramento; Fourth District, San Diego; Fifth District, Fresno; and Sixth District, San Jose.²

The Legislature has constitutional authority to create new Court of Appeal districts and divisions. (Cal. Const., art. VI, § 3.)

Membership, Qualifications

Each division has a presiding justice and two or more associate justices, appointed by the Governor and confirmed by the Commission on Judicial Appointments. The same rules governing the selection of Supreme Court justices apply to those serving on the Courts of Appeal.

Original, Appellate Jurisdiction

Courts of Appeal have appellate jurisdiction when superior courts have original jurisdiction, and in certain other cases prescribed by statute. Like the Supreme Court, they have original jurisdiction in habeas corpus, mandamus, certiorari, and prohibition proceedings. (Cal. Const., art. VI, § 10.) During the 1998–1999 fiscal year, 27,000 appeals and original proceedings were filed in the Courts of Appeal.

The Courts of Appeal also receive appeals (technically, writ proceedings) from decisions of the Workers' Compensation Appeals Board, the Agricultural Labor Relations Board, and the Public Employment Relations Board. Cases are decided by three-judge panels.

Decisions of the panels, known as opinions, are

² The Second District also has a division permanently located in Ventura. The Fourth District also has divisions permanently located in San Bernardino and Santa Ana.

published in the California Appellate Reports if those opinions meet certain criteria for publication. In general, the opinion is published if it establishes a new rule of law, involves a legal issue of continuing public interest, criticizes existing law, or makes a significant contribution to legal literature. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 976.) During fiscal year 1998–1999, 6 percent of Court of Appeal opinions were certified as meeting the criteria for publication.

TRIAL COURTS

Prior to June 1998, California's trial courts comprised the superior and municipal courts, each with its own jurisdiction and number of judges fixed by the Legislature. Superior courts have trial jurisdiction over all felony cases and all general civil cases involving disputes valued over \$25,000. These courts also serve as probate courts, juvenile courts, and family courts and can hear appeals of municipal court decisions. There are 58 superior courts, one in each county. Existing municipal courts are trial courts with limited jurisdiction. These courts handle misdemeanor and infraction cases as well as civil matters involving claims for \$25,000 or less, including small claims cases that do not exceed \$5,000. Municipal courts may also preside over arraignments and preliminary hearings in felony cases to determine whether there is reasonable and probable cause to hold a defendant for further proceedings in superior court.

Unification

On June 2, 1998, California voters approved Proposition 220, a constitutional amendment that permits the judges in each county to unify their superior and municipal courts into a single superior court with jurisdiction over all case

types if a majority of superior and municipal court judges within the county approve. The goals of court unification are to improve services to the public by consolidating court resources, offering greater flexibility in case assignments and saving taxpayer dollars.

As of December 1, 1999, judges in 54 of 58 counties have voted to unify their trial courts.

JUDICIAL COUNCIL

Chaired by the Chief Justice, the Judicial Council is the governing body of the California courts. The California Constitution directs the Judicial Council to provide guidelines to the courts, make recommendations annually to the Governor and Legislature, and adopt and revise California Rules of Court in the areas of court administration, practice, and procedure. The council performs its constitutional and other functions with the support of its staff agency, the Administrative Office of the Courts.

Membership, Committees

New judicial members of the council and its committees are selected by a nominating procedure intended to attract applicants from throughout the legal system. In addition to the constitutional requirements, diversity of experience, gender, ethnic background, and geography are among the selection criteria. In addition to the Chief Justice, the 27 members of the council include 14 judges appointed by the Chief Justice; 4 attorney members appointed by the State Bar Board of Governors; 1 member from each house of the Legislature; and 6 advisory members, including representatives of the California Judges Association and state court administration agencies. The council performs most of its work through internal and advisory committees. Each council member is appointed to one of three internal

committees: the Executive and Planning Committee, the Policy Coordination and Liaison Committee, and the Rules and Projects Committee. Advisory committees, comprising judges, court officials, attorneys, and public members, regularly monitor certain topics or areas of law—such as criminal law and judgeship needs—and comment and make recommendations to the council on identified issues. The council's ad hoc advisory committees have charges that are usually limited to a specific project, such as court records management. In general, an ad hoc advisory committee is dissolved when its particular charge is completed, or the subject matter may eventually come within the charge of an advisory committee.

Activities

Judicial Council projects and activities reflect ongoing efforts to improve the California court system and, in some cases, are initiated due to legislative mandate. During recent years, they have included projects to coordinate trial court resources; improve the jury system; assist the trial courts in improving the pace of civil litigation; identify improved methods of predicting judgeship need; develop a comprehensive plan for the future of the state's courts; implement appellate court automation; improve access and fairness in the court system; and certify and train court interpreters.

COMMISSION ON JUDICIAL APPOINTMENTS

The Governor's appointees to the Supreme Court and the Courts of Appeal must be confirmed by the Commission on Judicial Appointments in accordance with a 1934 amendment to the state Constitution. The commission has three members: the Chief Justice, the Attorney General, and the senior presiding justice of the Court of Appeal of the affected appellate district.

(Cal. Const., art. VI, § 7.) When a Supreme Court appointee is being considered, the third member of the commission is the senior presiding justice, statewide, of the Courts of Appeal.

The commission convenes after the Governor nominates or appoints a person to fill a vacancy on either the Supreme Court or a Court of Appeal. One or more public hearings are held by the commission to review the appointee's qualifications. The commission may confirm or veto the appointment. No appellate appointment is final until the commission has filed its approval with the Secretary of State. (Cal. Const., art. VI, § 16.)

*Contact: Administrative Office of the Courts,
Public Information Office, 415-865-7738.*

COMMISSION ON JUDICIAL PERFORMANCE

The California Constitution provides for a Commission on Judicial Performance, which deals with the censure, removal, retirement, or private admonishment of judges and commissioners for either misconduct or inability to perform their duties due to a permanent disability. (Cal. Const., art. VI, §§ 8, 18.) The commission has authority to conduct proceedings against any California judge after it investigates cases of willful misconduct in office, persistent failure or inability to perform the duties of office, habitual intemperance, conduct prejudicial to the administration of justice that may be detrimental to the judicial office itself, or a disability of a permanent character that seriously interferes with the performance of duties. (Cal. Const., art. VI, § 18(d).)

Effective March 1, 1995, following passage of Proposition 190 in the November 1994 election, the commission is authorized to remove, retire, or censure a judge. Automatic Supreme Court

review is eliminated, although the court is permitted discretionary review if it rules within 120 days. All commission proceedings are required to be public after formal charges are filed. The commission is composed of 11 members: 3 judges appointed by the Supreme Court, 4 members appointed by the Governor (2 attorneys and 2 nonattorney public members), and 2 public members appointed by the Assembly Speaker and 2 appointed by the Senate Rules Committee. Appointments are for four-year terms. (Cal. Const., art. VI, § 8.)

Commission on Judicial Performance, 455 Golden Gate Avenue, San Francisco, California 94102, 415-557-1200.

CALIFORNIA JUDGES ASSOCIATION

The California Judges Association, a voluntary professional organization for judges of the state courts, conducts educational workshops for judges and also reviews and sponsors legislation affecting the courts. Following the passage of Proposition 190 in the November 1994 election, the formulation of the principles of ethical conduct for judges, formerly the responsibility of the association, rests with the Supreme Court. Those are contained in the Code of Judicial Ethics. (Cal. Rules of Court, Appendix.)

California Judges Association, 301 Howard Street, Suite 1040, San Francisco, California 94105, 415-495-1999.

STATE BAR OF CALIFORNIA

The State Bar of California is a public corporation to which all attorneys licensed to practice law in California must belong.³ (Cal. Const., art. VI, § 9; Bus. & Prof. Code, §§ 6001, 6002, 6008, and 6008.2.)

Candidates for admission to practice law are examined by the State Bar, which certifies to the Supreme Court those who meet admission requirements. Rules of professional conduct, binding upon lawyers following approval by the Supreme Court, are formulated and enforced by the State Bar. Allegations of attorney misconduct must be investigated by the bar. It may impose private or public reprimands and recommend to the Supreme Court that an attorney be disciplined by either suspension or disbarment. State Bar Court members are appointed by the Supreme Court.

The State Bar administers programs for certification of law specialists, law corporations, and lawyer referral services, and during each legislative session sponsors measures to improve laws and the judicial system.

State law requires the State Bar's Commission on Judicial Nominees Evaluation to review the qualifications of persons being considered by the Governor for appointment to the courts.

State Bar of California, 180 Howard Street, San Francisco, California 94107, 415-538-2000.

³ Under the Constitution, a lawyer is technically not a member of the State Bar while holding office as a judge.